

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

JOE HAND PROMOTIONS, INC.,)
)
Plaintiff,)
)
v.) CASE NO. 1:18-CV-1015-WKW
) [WO]
ANDRE BARBER,)
)
Defendant.)

ORDER

Before the court is the Recommendation of the Magistrate Judge. (Doc. # 69.) Defendant Andre Barber timely filed objections. (Doc. # 69.) Based upon a *de novo* review of those portions of the Recommendation to which objection is made, 28 U.S.C. § 636, the court finds that the Recommendation addresses and properly rejects the arguments underlying Mr. Barber's objections and that the objections lack merit. Accordingly, it is ORDERED as follows:

- (1) Mr. Barber's objections (Doc. # 70) are OVERRULED;
- (2) The Recommendation (Doc. # 69) is ADOPTED;
- (3) Plaintiff Joe Hand Promotions, Inc.'s motion for summary judgment (Doc. # 44) is GRANTED;
- (4) Plaintiff's request for statutory damages (Doc. # 44) is GRANTED in the amount of \$15,000;

- (5) Plaintiff's request for attorneys' fees and costs (Doc. # 44) is DENIED;
- (6) Mr. Barber's cross-motion for summary judgment (Doc. # 46) is DENIED; and
- (7) Mr. Barber's motion to dismiss for lack of standing (Doc. # 52) is DENIED.

It is further ORDERED that, on or before **July 7, 2021**, Plaintiff is DIRECTED to file a position statement on how it wishes to proceed on its remaining count alleging satellite and cable piracy pursuant to 47 U.S.C. § 553 and § 605. The statement should include, with citations to authority, Plaintiff's position on Defendant's demand for a jury trial (Doc. # 26). Defendant may, but is not required to, file a reply to Plaintiff's position statement no later than **July 14, 2021**.

DONE this 23rd day of June, 2021.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE